

REMARKS

Please reconsider the application in view of the above amendments and the following remarks. Applicant thanks the Examiner for carefully considering this application.

Disposition of Claims

Claims 1-5 are pending in the present application. Claims 1-3 are independent. The remaining claims depend directly from claim 3.

Claim Amendments

Independent claims 1-3 have been amended by way of this reply to clarify that the present invention is directed to a digital camera, and to correct minor errors. No new matter has been added by way of these amendments, as support for these amendments may be found, for example, in paragraph [0038] of the application.

Claims 4 and 5 have been amended to be consistent with changes made to claim 3 and to correct minor errors. No new matter has been added by way of these amendments.

Rejection(s) under 35 U.S.C. § 103

Claims 1-5 are rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 6,064,834 issued to Fukuda *et al.* (hereinafter “Fukuda”) in view of U.S. Patent No. 5,483,284 issued to Ishiguro *et al.* (hereinafter “Ishiguro”). Independent claims 1-3 have been amended in this reply to clarify the present invention recited. To the extent that this rejection may still apply to the amended claims, the rejection is respectfully traversed.

The present invention is directed to a digital camera configured to change the length-to-breadth ratio of a received image without moving the body of the camera. In other

words, an image may be captured in portrait format or in landscape format (or in some format therebetween) without moving the camera.

A digital camera **1** in accordance with one or more embodiments of the invention includes a solid state image pickup device **40**, an image record part **5**, and a control part **2** having stored therein an image pickup effective range setting table **41**. Inherent to the solid state image pickup device **40** are image pickup effective ranges, which are set to capture a particular area of the solid state image pickup device. This area corresponds to the image viewed by the user and stored by the camera (*see, e.g.*, Publication of the Specification, paragraphs [0040], [0044]-[0045]).

When a user presses one of a length-direction range expanding button **14** or a breadth-direction range expanding button **15** on camera **1**, the control part **2** changes the records stored in the image pickup effective range setting table **41** such that the image pickup effective ranges of the solid state image pickup device **40** can be changed (*see, e.g.*, Publication of the Specification, paragraphs [0047]-[0049]). In other words, the received image may be changed through software processing, which allows a digital camera to maintain a small shape with few mechanical modifications. Further, such a configuration allows the camera to digitally capture images lengthwise or breadthwise without degrading the quality of the captured image (*see, e.g.*, Publication of the Specification, paragraph [0063]).

Accordingly, amended independent claims 1-3 require an image record member for recording images, which are formed within length-direction image pickup effective ranges and breadth-direction image pickup effective ranges set in a solid state image pickup device disposed in a main body of the digital camera, into a record medium in a form of electronic data. Independent claims 1-3 additionally require an image pickup effective range change member for

changing the length-direction image pickup effective ranges and the breadth-direction image pickup effective ranges set in the solid state image pickup device.

Fukuda, in contrast to the present invention, does not show or suggest an image record member or an image pickup effective range change member as required by amended independent claims 1-3. In fact, it would be clear to one skilled in the art that Fukuda is not even directed to a digital camera. Rather, Fukuda is directed to a film camera with a mechanically adjustable switching frame (see Fukuda, Figure 2, col. 4, lines 46-62). In other words, a mechanical frame allows the size of a picture captured on film to be changed. The Examiner acknowledges that Fukuda does not disclose recording images in a solid state image pickup device (see Office Action of October 18, 2005, at page 6). Further, it would be clear to one skilled in the art that as Fukuda does not contemplate a solid state image pickup device, Fukuda necessarily cannot show or suggest images that are formed within length-direction image pickup effective ranges and breadth-direction image pickup effective ranges set in a solid state image pickup device. Similarly, Fukuda necessarily cannot show or suggest an image pickup effective range change member for changing the length-direction image pickup effective ranges and the breadth-direction image pickup effective ranges *set in the solid state image pickup device*.

Ishiguro, as discussed above with reference to Fukuda, does not show or suggest an image pickup effective range change member for changing the length-direction image pickup effective ranges and the breadth-direction image pickup effective ranges set in the solid state image pickup device. Rather, Ishiguro discloses a replaceable back for a film camera having a charge coupled device (CCD) for electronically recording an image (see Ishiguro, col. 2, lines 33-38). Ishiguro is completely silent with respect to any size adjustment of the area of the CCD that is part of the replaceable CCD camera back.

In fact, Ishiguro states: “Various CCD-backs 7 mountable onto the camera body 1 as shown in FIG. 3A may be provided, corresponding to various image sizes of image. Therefore, there is a function provided to transmit to the camera body 1 information about a photo-acceptance photographic area or image plane size of the CCD in the CCD package 8 on the CCD back 7, different in CCD size from others” (see Ishiguro, col. 3, lines 13-19). From this disclosure in Ishiguro, it would be abundantly clear to one skilled in the art that Ishiguro does not contemplate adjusting image pickup effective ranges in a solid state image pickup device. In fact, by teaching that a particular CCD receives only a particular image size, Ishiguro actually teaches away from the claimed invention.

Further, Applicant notes that there is no motivation to combine the cited references. The Examiner cannot combine prior art references to render a claimed invention obvious by merely showing that all the limitations of the claimed invention can be found in the prior art references. There must be a suggestion or motivation to combine the references within the prior art references themselves. In other words, regardless of whether prior art references can be combined, there must be an indication within the prior art references expressing desirability to combine the references. *In re Mills*, 916 F.2d 680 (Fed. Cir. 1990) (emphasis added). Further, the present application *cannot be used as a guide* in reconstructing elements of prior art references to render the claimed invention obvious. *In re Vaeck*, 947 F.2d 488 (Fed. Cir. 1991) (emphasis added).

One skilled in the art would not be motivated by Fukuda, which is completely silent with respect to recording images formed on a solid-state image pickup device, to incorporate the teachings of Ishiguro without the present application as a guide. As discussed above, Fukuda completely fails to contemplate recording images formed on a solid-state image pickup device. The Examiner assumes recording images formed on a solid-state image pickup

device would be obvious to one skilled in the art given the replaceable CCD back of Ishiguro. However, Fukuda provides no motivation to use a solid-state image pickup device. Thus, one skilled in the art would not be motivated by Fukuda to incorporate the teaching of Ishiguro, which is directed to a removable back panel adaptor for a film camera that has a CCD element to store images. Further, Ishiguro is silent with respect to changing the length-direction image pickup effective ranges and the breadth-direction image pickup effective ranges set in the solid state image pickup device. One skilled in the art would not be motivated by Ishiguro, which is completely silent with respect to this limitation, to incorporate the teachings of Fukuda without the present application as a guide. Thus, there is no motivation to combine the cited references.

In view of the above, (i) Fukuda and Ishiguro, whether taken separately or in combination, fail to show or suggest the present invention as recited in amended independent claims 1-3, and (ii) Fukuda and Ishiguro are not properly combinable. Thus, amended independent claims 1-3 are patentable over Fukuda and Ishiguro. Claims 4 and 5, directly dependent from claim 3, are allowable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Conclusion

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 04995/042001).

Dated: January 18, 2006

Respectfully submitted,

By 

Jonathan P. Osha
Registration No.: 33,986
OSHA · LIANG LLP
1221 McKinney St., Suite 2800
Houston, Texas 77010
(713) 228-8600
(713) 228-8778 (Fax)
Attorney for Applicant

130836_1